

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

FREDY RENAN NAJERA MONTOYA,

Defendant.

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S1 15 Cr. 378 (PGG)

Whereas the United States of America, Damian Williams, United States Attorney for the Southern District of New York, by and through Assistant United States Attorneys Jacob H. Gutwillig, Jason A. Richman, and Elinor L. Tarlow, seek an order restricting the dissemination of material produced pursuant to the Jencks Act and *Giglio v. United States*, 405 U.S. 150 (1972) ("3500 Material") in connection with the *Fatico* hearing that is scheduled to begin on January 24, 2022 in this matter (the "Hearing");

Whereas, based on: (i) information in the parties' public filings to date, which indicates that the 3500 Material will contain sensitive information regarding assistance to law enforcement by others in sensitive ongoing investigations in Honduras and elsewhere as well as actual and threatened acts of violence against victims whose identities are not presently public; and (ii) the consent of the defendant Fredy Renan Najera Montoya, by and through his attorney Joaquin G. Perez, Esq., the Court finds that there is good cause for the requested relief;

IT IS HEREBY ORDERED that the defendant and his defense team -- including but not limited to Mr. Perez and any U.S.-based paralegals, investigators, and interpreters working for the defendant or Mr. Perez -- shall not transport or transmit any of the 3500 Material outside of the United States;

IT IS FURTHER ORDERED that the defendant and his defense team shall not show or disseminate any of the 3500 Material to anyone other than the defendant and U.S.-based paralegals, investigators, and interpreters working for Mr. Perez;

IT IS FURTHER ORDERED that the defendant shall not possess any of the 3500 Material, either before, during, or after the Hearing, except when reviewing the 3500 Material in the presence of Mr. Perez or U.S.-based paralegals, investigators, and interpreters working for Mr. Perez;

IT IS FURTHER ORDERED that the defendant and his defense team shall return to the Government, or destroy, all of the 3500 Material at the close of the Hearing or when any appeals have become final; and

IT IS FURTHER ORDERED that defense counsel may seek authorization of the Court, with notice to the Government, to provide certain specified materials to persons whose access to such materials is otherwise prohibited by this Order, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case.

SO ORDERED:



HONORABLE PAUL G. GARDEPHE
United States District Court
Southern District of New York

January 5, 2022

Date